

FACTSHEET TIME OFF FOR VOTING ON ELECTION DAY

"Employees entitled to leave on election day for voting" provided under Hawaii Revised Statutes §11-95:

"(a) Any voter shall on the day of the election be entitled to be absent from any service or employment in which such voter is then engaged or employed for a period of not more than two hours (excluding any lunch or rest periods) between the time of opening and closing the polls to allow two consecutive hours in which to vote. Such voter shall not because of such absence be liable to any penalty, nor shall there be any rescheduling of normal hours or any deduction made, on account of the absence, from any usual salary or wages; provided that the foregoing shall not be applicable to any employee whose hours of employment are such that the employee has a period of two consecutive hours (excluding any lunch or rest periods) between the time of opening and closing the polls when the employee is not working for the employer. If, however, any employee fails to vote after taking time off for that purpose the employer, upon verification of that fact, may make appropriate deductions from the salary or wages of the employee for the period during which the employee is hereunder entitled to be absent from employment. Presentation of a voter's receipt by an employee to the employer shall constitute proof of voting by the employee.

(b) Any person, business, or corporation who refuses an employee the privileges conferred by this section or subjects an employee to a penalty or deduction of wages because of the exercise of the privileges, or who directly or indirectly violates this section, shall be subject to a fine of not less than \$50 nor more than \$300.

(c) Any action taken to impose or collect the fines established in this section shall be a civil action."

If you are working on election day, you may be entitled to a maximum of two consecutive hours off from work in order to vote.* Voters shall not be subject to any penalty, rescheduling of normal hours, or deductions from salary or wages because of such absence.

For example, the law does not apply to employees whose work hours include a period of two consecutive hours while the polls are open when the employee is not working for the employer.* Polling place hours are 7:00 a.m. to 6:00 p.m.

An employer may make appropriate deductions from the salary or wages of an employee who takes time-off to vote but fails to do so during the time allotted. Retain your ballot stub as proof of voting.

NOTE: To lessen the impact on your employer, it is recommended voting prior to work or one hour prior to quitting time.

* Two hours excluding lunch or rest periods.

This Fact Sheet is intended for informational purposes only and should not be used as an authority on the Hawaii election law and candidate deadlines. Requirements and/or deadlines may change pending changes in legislation. Consult the Hawaii Revised Statutes and other sources for more detailed and accurate requirements.